

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 1	CCRB Case #: 201403113	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/01/2014 9:48 PM	Location of Incident: Myrtle Avenue and Marcy Avenue; Marcy Avenue and Pulaski Street	Precinct: 79	18 Mo. SOL 8/1/2015	EO SOL 8/1/2015	
Date/Time CV Reported Wed, 04/02/2014 9:37 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 04/02/2014 9:37 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Julio Ramos	05241	952144	079 PCT
2. POM Anthony Ward	02439	926281	079 PCT
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Pamela Benites	13086	946728	079 PCT
2. POF Margaret Lopez	15727	951940	079 PCT
3. POF Artemisa Caceres	19898	954586	PBBN
4. POF Melissa Napoli	00629	944239	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: At Myrtle Avenue and Marcy Avenue in Brooklyn, officers questioned § 87(2)(b)	
B.POM Julio Ramos	Abuse: At Marcy Avenue and Pulaski Street in Brooklyn, PO Julio Ramos stopped § 87(2)(b)	
C.POM Anthony Ward	Abuse: At Marcy Avenue and Pulaski Street in Brooklyn, PO Anthony Ward stopped § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

Case Summary

On February 1, 2014, at approximately 9:40 pm, § 87(2)(b) and his brother § 87(2)(b) were trying to hail a taxi cab near the intersection of Myrtle Avenue and Marcy Avenue in Brooklyn when an unmarked sedan pulled up next to § 87(2)(b). An unidentified uniformed, heavyset, Hispanic female officer who was seated in the passenger's seat and an unidentified uniformed white male officer who was seated in the driver's seat both asked § 87(2)(b) what was in the black plastic bag he was holding (**Allegation A**). § 87(2)(b) pulled out an unopened bottle of Corona beer and the police vehicle drove away. § 87(2)(b) who was holding a golf club over his shoulder, then started to walk south on Marcy Avenue alone and PO Julio Ramos and PO Anthony Ward of the 79th Precinct stopped him at the intersection of Marcy Avenue and Pulaski Street (**Allegation B and C**). § 87(2)(b) was not arrested or issued a summons in relation to the incident (complaint encl. B1-2, statement encl. B3-9). § 87(4-b), § 87(2)(g)

Mediation, Notice of Claim and Criminal Histories

§ 87(2)(b)'s complaint was ineligible for mediation § 87(2)(b). On January 14, 2015, a Notice of Claim inquiry was returned with negative results (encl. E1). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first complaint that § 87(2)(b) has filed with the CCRB (encl. A3).
- PO Ramos has been a member of service for 2 years and there are no substantiated allegations against him. PO Ramos has had three other complaints filed against him with a total of four allegations, though this is the first complaint to include an abuse of authority allegation (encl. A1).
- PO Ward has been a member of service for 14 years and this is the first and only CCRB complaint filed against him (encl. A2).

Potential Issues

§ 87(2)(b) filed this complaint on April 2, 2014, more than two months after the incident date. § 87(2)(b) stated that his brother § 87(2)(b) was in the general vicinity of the alleged question at the intersection of Myrtle Avenue and Marcy Avenue; however, § 87(2)(b) was at first unavailable § 87(2)(b) until September 2014 (encl. F1). Because § 87(2)(b)'s statement would not have provided the investigation with any more identifying information for the subject officers than was provided by § 87(2)(b) § 87(2)(b)

NYPD Documents

Documents were obtained from the 79th Precinct and PSA 3 for February 1, 2014:

- A Stop, Question, and Frisk Report was not prepared for § 87(2)(b) (encl. D3-10).
- There were five unmarked vehicles assigned to the 79th Precinct, though only two of those vehicles were assigned to officers during Tour 3. Only one of those vehicles had a female officer assigned to it, PO Pamela Benites, who was assigned to Anti-Crime. Aside from PO Benites there were no other females assigned to an unmarked vehicle. There were six other female officers working in the 79th Precinct, though only two of them were Hispanic, PO

Artemisa Caceres, who was assigned to an Impact Foot Post, and PO Margaret Lopez, who was assigned to Robbery Auto. There were dozens of white male officers working (encl. D11-23).

- There were four unmarked vehicles operating out of PSA 3, and only one of those vehicles had a female assigned to it: PO Melissa Napoli, a white female who was assigned to Conditions in the 88th Precinct. There were 11 other female officers working out of PSA 3 at the time of the incident and the only Hispanic female was Lt. Georgina Gonzalez. Lt. Gonzalez was assigned to a marked vehicle (encl. D24-32).

Findings and Recommendations

Explanation of Identification of Subject Officers

§ 87(2)(b) described the two officers who pulled up next to him in an unmarked vehicle and asked him what was in the bag he was holding as a uniformed Hispanic female and a uniformed white male. The location of this interaction, Myrtle Avenue and Marcy Avenue, is across the street from the Marcy Houses, which are policed by PSA 3.

The 79th Precinct had a total of seven female officers working at the time of the incident, though only one of them, PO Benites, was assigned to an unmarked vehicle. Of the remaining six female officers, only two were Hispanic: PO Caceres and PO Lopez, both of whom worked foot posts. Though PO Lopez was originally assigned to Robbery Auto, in her CCRB interview, she stated that she was reassigned to a foot post and that she was at the stationhouse processing an arrest at the time of the incident. PO Benites, PO Lopez, and PO Caceres were all interviewed at the CCRB and all of them denied interacting with § 87(2)(b) (encl. C13-22, C28-32).

PSA 3 had a total of 12 female officers working at the time of the incident, though only one of them, PO Napoli (a white female) was assigned to an unmarked vehicle. PO Napoli was interviewed at the CCRB and she denied interacting with § 87(2)(b) (encl. C23-27). Of the remaining 11 female officers, only one of them, Lt. Gonzalez, was Hispanic and she was a white-shirted officer assigned to a marked vehicle.

§ 87(2)(g)

- **Allegation A – Abuse of Authority: At Myrtle Avenue and Marcy Avenue in Brooklyn, officers questioned** § 87(2)(b)

§ 87(2)(b) alleged that two uniformed officers, one described as a uniformed Hispanic female and the other as a uniformed white male, pulled up alongside him in an unmarked vehicle while he was standing on Myrtle Avenue trying to hail a cab and both of them asked what was in the bag he was carrying. § 87(2)(g)

- **Allegation B – Abuse of Authority: At Marcy Avenue and Pulaski Street in Brooklyn, PO Julio Ramos stopped** § 87(2)(b)

- **Allegation C – Abuse of Authority: At Marcy Avenue and Pulaski Street in Brooklyn, PO Anthony Ward stopped** § 87(2)(b)

It is undisputed that PO Ramos and PO Ward stopped § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after he left Myrtle Avenue, he walked south down the eastern sidewalk of Marcy Avenue carrying a golf club over his shoulder. After walking one block south, § 87(2)(b) noticed lights flashing behind him and he asked an unknown male pedestrian if there was a police vehicle behind him. This pedestrian said that there was and that it was coming for him. § 87(2)(b) continued walking southbound and crossed Marcy Avenue at its intersection with Pulaski Street, at which time PO Ramos and PO Ward exited their marked van and stopped him. Aside from his brief conversation with the unknown male pedestrian, § 87(2)(b) did not have any other interactions with anyone else before being stopped.

PO Ramos stated (and noted in his memo book) that § 87(2)(b) was quickly following an unidentified white female eastbound on Hart Street while carrying a golf club over his shoulder. That § 87(2)(b) was following her while carrying a golf club and because the area has a high incidence of robberies and assaults made PO Ramos think that § 87(2)(b) was going to rob or assault this unidentified female, so the officers chose to stop him. The female that § 87(2)(b) was allegedly following continued walking after the stop was initiated and PO Ramos never had any contact with her (encl. C1-7).

PO Ward stated that the officers stopped § 87(2)(b) because he was walking with what the officers mistook for a sword. Upon stopping § 87(2)(b) PO Ward and PO Ramos realized that he was only carrying a golf club and they allowed him to go on his way. PO Ward did not recall there being any other civilians near § 87(2)(b) when the officers first observed him and he stated that the only reason the officers stopped him is because they suspected he was carrying a weapon (encl. C8-12). The requests made to the 79th Precinct did not produce a Stop, Question, and Frisk Report related to the stop and there was no notation for a Report in the Precinct's Stop, Question, and Frisk Log.

Patrol Guide Procedure 212-11 requires that officers have reasonable suspicion that a civilian has committed, is committing, or is about to commit a crime in order to make a stop (encl. i-iv). NYS Penal Law Section 265.01(1) outlines almost twenty items that are considered weapons under New York State Law and it does not identify a golf club as such (encl. v).

§ 87(2)(g)

[REDACTED]

- § 87(4-b), § 87(2)(g)

[REDACTED]

Team: 1

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date